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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,422	08/29/2006	Guoshun Deng	1009-005 NATL	4477

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ANDREWS KURTH LLP  
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WASHINGTON, DC 20005

EXAMINER
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WOO, KUO-KONG

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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12/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTODC@andrewskurth.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,422	<b>Applicant(s)</b> DENG ET AL.	
	<b>Examiner</b> KUO WOO	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is response to the communication filed on September 23, 2010.
2. Applicant's arguments filed 09/23/2010 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster (US RE39, 059 E) in view of Finn (US PG PUB 2006/0206582 A1).

Regarding claims 1, 7, 13 and 18, Foster discloses "a radio unit configured to operate in at least two wireless communication modes" (Col. 5. Lines 59, which recite transceiver 235 may be electro mechanical, but is preferably wireless and conforms to the IrDA specification and consumer IR standards, and also includes an infrared transceiver and an RF transceiver which permit the programmable remote control unit 200 to control a wide range of multimedia processing units.;

"A control unit (Abstract which recites the remote control unit that A portable hand-held remote control unit device is disclosed which may be utilized for selecting designated functions in a plurality of remotely controllable multimedia processing units) configured to select one of the at least two wireless communication modes";

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“A memory unit, (Col .3 Lines 26, which recite the remote control unit has a large memory) wherein the control unit selects one wireless communication mode from the at least two wireless communication modes according to control commands inputted by a user, (Col. 5. Lines 26, which recite the programmable remote control unit 200 further includes a panel 220. The panel 220 comprises various user input devices 222, 223, 224 and a graphic display 221) and the radio unit transmits the control commands to the device for controlling operations of the device (Col. 6. Lines 41, which recite control, send commands to device as table I that programmed remote control unit 200A includes a number of keys, each resulting in a designated command as shown in Table I below) and transmits multimedia data stored in the memory unit to the device in the selected wireless communication mode” (Col. 7. Lines 44, which recite remote control have programmable key for each device that programmable key object" preferably comprises an identifier of one of the programmable keys 223 and a tagname for a command which the programmable remote control unit 200 will issue when the identified programmable key 223 is pressed by the user) and ( Col. 7, Lines 64, which recite retrieving multimedia data from processor ( memory) along with command that the remote control development software preferably makes available new preconfigured screen objects as new multimedia processing units are put on the market to further increase the ease-of-programming of the programmable remote control unit of the invention) and (Col.11. Lines 61, which recites remote control transfer code from PC and store in memory along with command to interface appliance that the user uses the general purpose computer

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100 to select the screen objects stored in the database to be downloaded, and the user activates a download command from the general purpose computer 100.

However, Forster does not explicitly disclose two wireless communication modes.

In an analogous art, Finn discloses ( ¶ 18, which recites an various communication protocol and RF are used for communication interfaces and protocols are known, and are discussed herein) and ¶20 which recite contactless ( remote/ wireless ), examples of which are ISO 14443, ISO 15693 and NFC [0021] wireless, examples of which are IEEE 802.11, Zigbee, Bluetooth, UWB [0022] radio (RF), examples of which are AM and FM radio and ¶23 which recites cellular, an example of which is CDMA ¶24 which recites that TCP/IP, including telephone modems) as potable control device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Foster teaching remote control unit to send command along with preprogram multimedia data from stored memory within remote unit in combination of Finn provides contactless remote wireless protocol which include Bluetooth, Zigbee and WLAN 802.11 ( see ¶21-23).

Rationales for arriving at a conclusion of obviousness suggested by the Supreme Court's decision in KSR include:

Combine prior art elements according to known method to yield predictable result.

Regarding claims 2, and 8-9, Foster discloses “wherein the radio unit comprises a low power dissipation radio unit (Col.5. Lines 60, which recites that using IrDA infrared

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protocol transceiver interface with appliances) and (Col 5. Lines 62 which recite, using an RF transceiver which is a high speed transmission unit)” Finn discloses (§ 23, using cellular which is CDMA interface to download information which is high speed transmission) and (§ 224, which recite the switchable in the remote control include radio scanner, processor/memory, **membrane switch input device**, a small LCD display, LED's, USB and Bluetooth circuit to connect to a personal computer or Bluetooth enabled cell phone/MP3 phone).

Regarding claims 3 and 10, Finn discloses “wherein the low dissipation radio unit is configured to a wireless communication protocol including but not limited to Bluetooth protocol, Zigbee protocol and IrDA infrared protocol” (§ 266, which recite wireless interface such as **Zigbee, Bluetooth**, UWB, **IR**, and other similar wireless interfaces).

Regarding claim 4 , Finn discloses “ wherein the high speed transmission unit adopts one of wireless communication protocols including but not limited to HomeRF protocol, UWB protocol ( § 50, which recite one of wireless interfaces of interest in the present invention are principally WLAN, Zigbee, Bluetooth and UWB.), IEEE802.11x protocol, IEEE802.11a protocol, IEEE802.11b protocol, IEEE802.11d protocol, IEEE802.11g protocol, IEEE802.15 protocol, IEEE802.16 protocol, IEEE802.3 protocol, GSM protocol, GPRS protocol, CDMA protocol, 2.5G protocol and 3G protocol.

Regarding claim 5, Foster discloses “wherein the operation of the low power dissipation radio unit is preset as a default mode” (Col. 5. Lines 59 which recites low power dissipation is preferably wireless interface that communications transceiver 235

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may be electro mechanical, but is preferably wireless and conforms to the IrDA specification and consumer IR standards).

Regarding claims 6 and 17, Foster discloses “wherein the control unit selects one corresponding communication mode from the at least two wireless communication modes according to the control commands inputted by the user and characteristics of the multimedia data (Col. 5. Lines 56, which recites tow wireless communication mode to interface between computer and multimedia processor that the multimedia processing unit 300 and the general purpose computer 100, the programmable remote control unit 200 includes a communications transceiver 235. is preferably wireless and conforms to the IrDA specification and consumer IR standards, and also includes an infrared transceiver and an RF transceiver which permit the programmable remote control unit 200 to control a wide range of multimedia processing units) transmitted by the radio unit”.

Regarding claims 11, 12 and 14-16, Foster discloses “further comprising an interface unit, wherein the remote controller is configured to access external memory (Col.11. Lines 61, which recites remote control transfer code from PC and store in memory along with command to interface appliance that the user uses the general purpose computer 100 to select the screen objects stored in the database to be downloaded, and the user activates a download command from the general purpose computer ( External memory) 100) via the interface unit”.

***Remark***

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5. Applicant argues prior art Foster does not disclose a remote unit controlling a digital household appliance as presently claimed. In fact, based on applicant argument Foster recite remote control unit can transmit multimedia data (multimedia process unit 300) to the controlled device during the use phase as claimed. In the broadest interpretation, controlled device is part of household appliance. Examiner has to point out claimed function “unit controlling a digital household appliance” was part of preambles statement which does not limit the claims. TV is one of household appliance which to be remotely controlled by remote unit. All remote unit is transmitting RF signal, wirelessly to controlled unit.

The body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness. A preamble that recites merely the use or purpose of the claimed invention generally does not limit the claims. *Cantalina*, 62 USPQ at 1785.

6. Applicant argues prior art Foster fails to teach that remote control unit can transmit multimedia data to the controlled device during the use phase as claimed.

In abstract of Foster invention which recites a plurality of remotely controllable multimedia processing units is part of control unit device. (Col. 9, Lines 61, which recite the remote control development software has identified the user's multimedia processing unit and selected the corresponding preconfigured screen object; the remote control development software preferably shows a representation of the screen object as exemplified by the screen shot of FIG. 7. FIG. 7 shows the menu bar 310 mentioned



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above, plus a left pane 710 and a right pane 720) wherein display image is multimedia data to the controlled device.

7. Applicant argues prior art Finn fails to disclose the radio unit... transmits multimedia data stored in the memory unit to the device in the selected wireless communication mode as recited in the claim 1. As illustrated in figure 3 of Finn invention. Remote control device comprising microprocessor unit and SD-memory card to store music or control command. In combine with Foster's invention as recited in claim 1.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUO WOO whose telephone number is (571)270-7266. The examiner can normally be reached on 10-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KUO WOO/  
Examiner, Art Unit 2617

/HUY PHAN/  
Primary Examiner, Art Unit 2617